

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANTONIN ANDREW MARKS,  
Plaintiff(s),

v.

MICHAEL MUKASEY,  
Defendant(s).

NO. C07-1608MJP

ORDER ON MOTION FOR  
CERTIFICATE OF APPEALABILITY

The above-entitled Court has received and reviewed Plaintiff's Motion for a Certificate of Appealability (Dkt. No. 11).


28 U.S.C. § 2253(c)(2) provides that a certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." To satisfy this standard, petitioner must show "that reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" Slack v. McDaniel, 120 S.Ct. 1595, 1603-04 (2000) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 (1983)).

Having reviewed Plaintiff's motion and the Order Adopting Report and Recommendation (Dkt. No. 9), the Court is satisfied that reasonable jurists could differ regarding the resolution of the issues presented and that those issues should in fact proceed to appellate consideration.

IT IS HEREBY ORDERED that the motion for certificate of appealability is GRANTED.

The clerk is directed to provide copies of this order to all counsel of record.

Dated: January 29, 2008

  
Marsha J. Pechman  
U.S. District Judge